

Recommendation Report for Planning Permission

REF NO: Y/86/18/PL

LOCATION: Land SW of Drove Lane Farm  
Yapton

PROPOSAL: Variation of condition 4 imposed under Y/87/13/ to change wording from 25 years to 40 full years of operation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

Previously granted application ref: Y/87/13 was for the installation and operation of a solar park with associated infrastructure and equipment on Bilsham Farm, off Drove Lane, Yapton. While Y/107/14/NMA sought amendments to application ref: Y/87/13.

The solar farm comprises the erection of solar arrays, transformers, and equipment housing, security fencing and ancillary equipment. The application also proposes new boundary landscaping and ecological enhancement measures.

SITE AREA 36.5 hectares

TOPOGRAPHY The site is wholly flat

TREES None of any significance affected by the proposal.

BOUNDARY TREATMENT The site is surrounded by hedgerows, ditches and the watercourses of Ryebank and Lidsey Rife. Additionally, As the solar farm has previously been constructed it is surrounded by 'wire fencing' along with planting (that still appears to be growing) which is intended to act as screening.

SITE CHARACTERISTICS The site comprised of a solar farm as previously granted under application ref: Y/87/13.

CHARACTER OF LOCALITY The site is located in a rural area and accessed via an unmade farm access track. There is very little evidence of build development in the area apart from the farm buildings of Drove Farm and the solar farm itself. There are two public rights of way running along the north and south perimeters of the site which are rural in character and predominantly used for leisure purposes.

Noted.

REPRESENTATIONS

**REPRESENTATIONS RECEIVED:**

YAPTON PARISH COUNCIL: Have been consulted but have not responded.

No neighbour Consultation responses have been received.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

**CONSULTATION RESPONSES RECEIVED:**

Environment Agency: Have been consulted but have not commented.

**COMMENTS ON CONSULTATION RESPONSES:**

While the Environment Agency have not commented on this application they commented on the previous original application ref: Y/87/13/PL. They did not object subject to an informative regarding any works or installations near main rivers or ditches would require flood defence consent from the Agency. Officer note that the solar farm has been constructed.

**POLICY CONTEXT**

Designation applicable to site:

Outside the Built-up Area Boundary  
Archaeological Notification Area.

**DEVELOPMENT PLAN POLICES**

[Arun Local Plan 2011 - 2031:](#)

|        |                                    |
|--------|------------------------------------|
| CSP1   | C SP1 Countryside                  |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| ECCDM1 | ECC DM1 Renewable Energy           |
| ENVSP1 | ENV SP1 Natural Environment        |

[Yapton neighbourhood plan 2014 Policy E1](#) Protection of high value agricultural land

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant Policies of the Yapton Neighbourhood Development Plan have been considered within this assesment.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal would comply Policy ECC DM1 of the Arun Local Plan which allows for renewable energy in certain circumstances.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

This application seeks permission for the variation of condition number 4 of Y/87/13 which granted planning permission for a period from the date of this decision until the date occurring 25 years after the date of commencement of the development hereby permitted. It is sought to vary this condition

The principle of a solar farm in this location has been given, subject to conditions, as a result of the granting of previous planning applications ref: Y/87/13 and Y/107/14/NMA. The following assesment will look at at the following areas, but only in relation to the proposed variation of condition:

Landscape and rights of way  
Loss of agricultural land  
Traffic and access  
Flooding

##### **LANDSCAPE AND RIGHTS OF WAY :**

The Environmental services Manager did not object to the original application for the solar farm subject to appropriate mitigation screening being provided. From the Officers site visit it was noted that some plating had been planted around the site but was yet to fully grow. Officers note that the applicants indicated within the original application that that the landscaping will take 5-7 years to mature and will be managed at a height of approximately 3.0 metres.

Officers consider that the proposed extension of operating time (40 years rather than 25 years as granted) would not alter the assesment made under application ref: Y/87/13. The need for the aforementioned screening would still apply. Therefore should the appropriate screening be in place Officers consider that the solar farm would not have a detrimental impact on the character of the

landscape for the length of the proposed extended operating time (40 years)

As such, Officers consider that the proposed variation of condition would not have a detrimental impact on important agricultural land.

**LOSS OF AGRICULTURAL LAND:**

The Planning Officer for the original application considered that while the proposal would remove the agricultural land from tillage use over its lifetime, that the field could be returned to its original state after the lifetime of the development. A condition was added to the grant of planning permission seeking a site restoration scheme be submitted to and agreed by the LPA no later than 12 months prior to the end of the this permission etc. Officers do not consider that the additional operation time would impact on the ability of the agricultural land to be reinstated. Therefore, should planning permission be granted the aforementioned condition would still apply as it will be reimposed.

As such, Officers consider that the proposed variation of condition would not have a detrimental impact on important agricultural land and the proposal would comply with the relevant policies of the Arun Local Plan.

**TRAFFIC AND ACCESS:**

The original application was considered not to lead to any traffic or access issues as a result of its operation. It is considered that now that the solar farm has been constructed traffic movements to and from the site would be minimal. Therefore, the extension of the number of operating years would not lead to the solar farm having a detrimental impact on traffic or access matters.

**FLOODING:**

The variation of condition would not alter the previous assesment made as part of application ref: Y/87/13/ with regard to flooding.

**NEIGHBOURHOOD DEVELOPMENT PLAN:**

Officers consider that the proposed variation of condition would comply with all relevant Policies of the Neighbourhood Development Plan.

**SUMMARY:**

Officers consider that the extension of the operating time of the solar farm from 25 to 40 years would not alter the assesment and decision to grant given under the original application ref: Y/87/13/PL and Y/107/14/NMA the proposed solar park development would not have a detrimental impact on the site and its surroundings in accordance with local and national planning policy. Therefore, It is recommended that having regard to the above assessment, the planning application is granted subject to the relevant conditions being imposed on this application.

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

**Human Rights Act:**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms

of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **DUTY UNDER THE EQUALITIES ACT 2010**

### **Duty under the Equalities Act 2010**

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY**

1 Condition 4 to read:

The planning permission hereby granted is for a period of 40 years of operation from the date of first export of electricity (5 November 2014)

Reason: For the avoidance of doubt and in the interests of the long term amenity and the environment in accordance with Policy D DM1 the Arun Local Plan.

2 **INFORMATIVE:** This planning permission relates to the variation of condition 4 of planning permission Y/87/13 only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number Y/87/13 and any amendments made to them by application Y/107/14/NMA remain in force and must be complied with. This decision Only relates to the variation of condition 4 of planning permission Y/87/13 only

3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.